



PATENT

Attorney Docket No. 02481.1215-04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In-re Application of:

**Robert Ryder BARTLETT**

Application No.: 10/626,600

Filed: July 25, 2003

For: PHARMACEUTICALS FOR THE  
TREATMENT OF REJECTION  
REACTIONS IN ORGAN  
TRANSPLANTATIONS

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) Group Art Unit: 1616  
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) Examiner: Webman, Edward J.  
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) Confirmation No.: 9740  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, Sanofi-Aventis Deutschland GmbH, duly organized under the laws of Germany and having its principal place of business in Frankfurt am Main, Germany, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/626,600, filed July 25, 2003, for Pharmaceuticals For The Treatment Of Rejection Reactions In Organ Transplantations in the name of Robert Ryder Bartlett, as indicated by an assignment recorded on November 22, 2005, at Reel 016800, Frame 0538. Sanofi-Aventis Deutschland GmbH further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 5,728,721, as indicated by assignments recorded on August 20, 1992, at Reel 006256, Frame 0335 and on March 7, 2007, at Reel 018972, Frame 0309.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,728,721. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior

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patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916.


The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 12, 2007

By:

  
Bryan C. Diner  
Reg. No. 32,409